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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 LEON BAILEY,

9 Plaintiff,

10 v.

11 JOHN ROBINSON JR., *et al.*,

12 Defendants.  
13

No. C08-1020RSL

ORDER STAYING CASE

14 This matter comes before the Court on a “Motion for Stay of Proceedings” filed by  
15 defendants Terry Holzhausen, Robert Moyer, and Odie Mefford. Dkt. # 56. Defendant  
16 Holzhausen has been deployed to Iraq as a member of the United States Army and requests a  
17 stay pursuant to 50 App. U.S.C. § 522. Because defendant Holzhausen has not met one of the  
18 conditions set forth in § 522(b)(2), a stay is not mandatory: the Court has discretion to grant or  
19 deny the stay depending on the circumstances presented.

20 The Servicemembers Civil Relief Act authorizes the stay of any civil action or  
21 proceeding while a party is in military service or within 90 days after termination of military  
22 service. 50 App. U.S.C. § 522(a). The purpose of the Act is to “strengthen[] and expedite the  
23 national defense” by enabling servicemembers “to devote their entire energy to the defense  
24 needs of the Nation . . . .” 50 App. U.S.C. § 502(1). Defendant Holzhausen litigated this action  
25 while he was stationed in the United States, but he has now been transferred to Iraq where he has  
26 intermittent contact with his attorneys and no opportunity to return to this district to deal with the  
ORDER STAYING CASE

1 exigencies of litigation. Defendant Holzhausen has a tough job to do: his focus must be on the  
2 tasks at hand, for his and all of our benefits. Asking him to juggle this litigation while deployed  
3 in a foreign country is unfair and unnecessary. A temporary suspension of this judicial  
4 proceedings will avoid any adverse impact on defendant Holzhausen's interests without  
5 compromising the other parties' right to seek relief and/or offer a defense.<sup>1</sup>

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7 For all of the foregoing reasons, defendants' motion for stay of proceedings is  
8 GRANTED. This litigation and all related proceedings are hereby STAYED until September  
9 30, 2009. If an application for additional stay is filed under 50 App. U.S.C. § 522(d)(1), it shall  
10 contain the information required under 50 App. U.S.C. § 522(b)(2), including a letter or other  
11 communication from the servicemembers' commanding officer.

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13 Dated this 20th day of May, 2009.

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15 Robert S. Lasnik  
16 United States District Judge  
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24 <sup>1</sup> Allowing this case to proceed between the other parties in defendant Holzhausen's absence  
25 would be inefficient and unproductive. Upon his return from service, defendant Holzhausen would have  
26 the right to retake depositions and issue his own interrogatories and requests for production. In addition,  
the Court would be hesitant to schedule a trial in this matter until defendant Holzhausen became  
available to participate and/or testify. Thus, a rush to conduct discovery now would be unavailing.